



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,447	01/20/2004	Richard Dean Dettinger	ROC920030372US1	9232
30206	7590	04/04/2008		
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER CHOWDHURY, NIGAR	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 04/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,447	Applicant(s) DETTINGER ET AL.	
	Examiner NIGAR CHOWDHURY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,257,316 by Yamato et al. in view of US 7,120,922 by Rodriguez et al. and US 6,987,889 by Horowitz.

2. Regarding **claim 1**, Yamato discloses a method comprising:

- if a threshold is exceeded, selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria (fig. 5-6, 9, col. 9-col. 11 lines 15); and
- changing a compression level of the first program, wherein the changing further reduces an amount of storage consumed by the first program (fig. 5-6, 9, col. 9-col. 11 lines 15, col. 14 lines 48-col. 15 lines 26).

Yamato fails to disclose wherein the selecting further comprises calculating a score for each of the plurality of programs for each of the plurality of criteria at the respective importance and causes an unrecoverable loss of data after compression

Rodriguez discloses wherein the selecting further comprises calculating a score for each of the plurality of programs for each of the plurality of criteria at the respective importance (fig. 3, 30, col. 23 lines 56-col. 26 lines 19)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Yamato's system to include a score, as taught by Rodriguez, for the advantage of providing a viewer to see score of their favorite/particular program which will give the viewer more flexibility to know about the program.

Yamato and Rodriguez both fail to disclose cause an unrecoverable loss of data after compression.

Horowitz discloses causes an unrecoverable loss of data after compression (col. 2 lines 31-48).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Yamato and Rodriguez's system to include a compression, as taught by Horowitz, for the advantage of providing more space in a storage medium for storing more information.

3. Regarding **claim 2**, the method wherein the selecting further comprises:

selecting the first program based on a ranking of a category (Rodriguez, col. 8 lines 44-55) to which the first program belongs and the importance of a category criteria (Yamato, fig. 5-6, col. 9 lines 52-col. 11 lines 15).

4. Regarding **claim 3**, Yamato discloses the method wherein the selecting further comprises:

selecting the first program based on whether the first program previously had the compression level changed (fig. 5-6, 9, col. 7 lines 5-62, col. 9 lines 52-col. 11 lines 15, col. 14 lines 48-col. 15 lines 26).

5. Regarding **claim 4**, Yamato discloses the method wherein the selecting further comprises:

selecting the first program based on an age of the first program and the importance of an age criteria (col. 7 lines 42-51)

6. Regarding **claim 5**, Yamato discloses the method wherein the selecting further comprises:

selecting the first program based on a difference between a current compression level of the first program and a minimum compression level of the first program and the importance of a different criteria (fig. 5-6, 9, col. 7 lines 5-62, col. 9 lines 52-col. 11 lines 15, col. 14 lines 48-col. 15 lines 26).

7. Regarding **claim 6**, Yamato discloses the method wherein the selecting further comprises:

selecting the first program based on an expected savings from compressing the program and based on the importance of an expected saving criteria (fig. 5-6, 9, col. 3 lines 46-52, col. 7 lines 5-62, col. 9 lines 52-col. 11 lines 15, col. 14 lines 48-col. 15 lines 26).

8. **Claim 7** is rejected for the same reason as discussed in the corresponding claims 1 and 2 above.

9. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 3 above.

10. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 4 above.

11. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 5 above.

12. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 6 above.

13. **Claim 12** is rejected for the same reason as discussed in the corresponding claims 1 and 2 above.

14. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 4 above.

15. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 5 above.

16. **Claim 15** is rejected for the same reason as discussed in the corresponding claims 6 above.

17. Regarding **claim 16** Yamato discloses the computer-readable storage medium wherein the ranking comprises an initial compression level of the first program (col. 9 lines 51-59, col. 17 lines 3-6, fig. 5-6, 9, col. 3 lines 46-52, col. 7 lines 5-62, col. 9 lines 52-col. 11 lines 15, col. 14 lines 48-col. 15 lines 26)

18. **Claim 17** is rejected for the same reason as discussed in the corresponding claims 1 and 2 above.

19. **Claim 18** is rejected for the same reason as discussed in the corresponding claim 5 above.

20. **Claim 19** is rejected for the same reason as discussed in the corresponding claim 6 above.

21. **Claim 20** is rejected for the same reason as discussed in the corresponding claim 16 above.

22. **Claim 21** is rejected for the same reason as discussed in the corresponding claim 6 above.

23. **Claim 22** (Yamato, col. 13 lines 46-50) is rejected for the same reason as discussed in the corresponding claims 1 and 2 above.

24. **Claim 23** is rejected for the same reason as discussed in the corresponding claim 6 above.

25. **Claim 24** is rejected for the same reason as discussed in the corresponding claim 5 above.

26. **Claim 25** is rejected for the same reason as discussed in the corresponding claim 1 above

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
03/27/2007

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621